(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION No. 2524 OF 2001

PETITIONER : Terasram Chandra, son of Bhagatram Chandra, aged about 33 years, Assistant Teacher, Primary School, Uchlinga, VIkas Khand, Podi Uproda,Dist: Korba(C.G).

Vs.

RESPONDENTS :

1. The State of Chhattisgarh.
2. Sri Narendra Chandrakar, Prantadhyakshak, Chhattisgarh, Trutiya Varg, Shaskiya Karmachari Sangh, Raipur(C.G)
3. Sri Surendra Sharma,Adhyaksh, Chhattisgarh Trutiya Varg Shaskiya Karmachari Sangh, Zilla Shakha, Korba (C.G)
4. Sri S.S.Somwanshi, Nirwachan Adhikari (C.G) Trutiya Varg, Shaskiya Karmachari Sangh, Zilla Korba (C.G).
5. Sri Suresh Upadhyay,Adhyaksh, Tahsil Shakha, Katghora, Zilla Korba (C.G)
6. Sri Vibhuti Singh,Adhyaksh, (C.G.) Trutiya Varg, Shaskiya Karmachari Sangh, Vikas Khand Shakha Podi Uproda, Zilla Korba(CG)

WRIT PETITION UNDER ARTICLE 226 / 227 OF THE CONSTITUTION OF INDIA

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W. P. No. 2524/2001

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

06/12/2001 :-

Smt. Anju Ahuja, learned counsel for the petitioner.

Shri Prashant Mishra, learned counsel for respondents 3 and 5.

Shri Rajiv Shrivastava, learned counsel for the State/respondent.

Shri A.K. Dubey, learned counsel for the caveator.

Heard.

The petitioner is taking grievance against certain circular issued by the Election Officer on 08/11/2001 for the purpose of election of President, Chhattisgarh Class-III Government Employees Association. It is stated that it is a registered society. If that be so, it must have its own bye-laws and copy of the same as required under the relevant provisions of M.P. Society Registrikaran Adhiniyam, 1973 must have been deposited or submitted to the office of the Registrar. The grievance of the writ petitioner is that as a condition was incorporated in para 5 of the said circular to the effect that one should have life member-ship up to 15th April, 2001 in order to contest such election. According to the petitioner this fact was not known to him earlier. He represented before respondent 6 who was the then President of the said society. It is stated that respondent 6 in turn informed the writ petitioner that he himself was not aware of such requirement. Counsel for the petitioner submits that there is clear violation of principles of natural justice as the petitioner was not informed of the existence of such requirement as regards the life member-ship as stated above.

पाछे देखें

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

It is stated that election took place and respondents 3 and 5 were elected as Presidents of different Blocks. Counsel for the petitioner submits that the said respondents 3 and 5 were elected unopposed as the petitioner could not participate in elections. In terms of Section 32 of the Madhya Pradesh Society Registrikaran Adhiniyam, 1973 any such dispute which arises in such situation should be enquired into by the Registrar if reference is made by majority of the members of the governing body. The Registrar may also authorize some competent officers to look into it. It is contended that ~~since~~ the dispute cannot be settled by a writ court inasmuch as the disputed facts are involved in such present case, as such the Registrar is the only competent officer who can examine such matter.

Shri Rajiv Shrivastava submits that in fact if aggrieved by the findings of the Registrar any such order passed by the Registrar is still appellable before the State under Section 40 of the said Adhiniyam. It appears that such matter should be examined by the Registrar.

Accordingly this petition is disposed of with the direction that if approached by the writ petitioner in accordance with the provisions of Section 32 of the said Adhiniyam within seven days from today, the Registrar Firms and Societies shall proceed and examine to dispose of the matter without delay and preferably within one month from the date of receipt of such representation.

Counsel for the petitioner submits that declaration of results may be stayed. On the other hand, Shri Prashant Mishra who appears on behalf of respondents 3 and 5 submits that since the elections were not opposed the results were immediately declared

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	[redacted] and they have assumed their offices. Let status-quo be maintained as regards the posts for which elections were held. Status-quo as it exists at 11.45 a.m. on 06.12.01 be maintained. Certified copy of this order be supplied as per rules. **Sd/-** **Chief Justice**	